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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/580,177

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Hiroshi Kuwamura

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EXAMINER

NGUYEN, HUNG D

ART UNIT

PAPER NUMBER

3742

MAIL DATE

DELIVERY MODE

01/20/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,177	Applicant(s) KUWAMURA, HIROSHI	
	Examiner HUNG NGUYEN	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/22/06, 6/1/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultheis et al. (US Pat. 5,893,359) in view of Steiner et al. (US Pat. 6,207,934).

3. Schultheis et al. discloses a built-in cooking appliance 1 (Fig. 1) with a main body that includes a casing 1d (Fig. 2) having an opening defined therein at an upper portion thereof, a heating source accommodated in the casing (Refer Fig. 1), and a top plate unit 2 (Fig. 2) fixed to the casing 1d (Fig. 2) so as to close the opening in the casing, the main body being adapted to be inserted into an opening 4a (Fig. 1) defined in a kitchen counter 4 (Fig. 1), on which a lower surface of the top plate unit 2 (Fig. 1) is placed, the top plate unit comprising: a top plate 2 (Fig. 2) on which an object to be heated is placed; an underframe 1d (Fig. 2) for holding the top plate placed on an upper surface thereof, the underframe 1d (Fig. 2) having an outer peripheral edge confronting an upper surface of the kitchen counter. Schultheis et al. does not disclose a decorative panel for covering an upper portion of an outer peripheral edge of the top plate; wherein the decorative panel has an inwardly bent portion that has been formed by bending an outer peripheral edge portion of the decorative panel inwardly toward a lower surface of

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the underframe to hold the outer peripheral edge of the underframe. However, Steiner et al. discloses a decorative panel 3 (Fig.1) for covering an upper portion of an outer peripheral edge of the top plate 7 (Fig. 1); wherein the decorative panel 3 (Fig. 1) has an inwardly bent portion 11 (Fig. 1) that has been formed by bending an outer peripheral edge portion of the decorative panel inwardly toward a lower surface of the underframe 5 (Fig. 1) to hold the outer peripheral edge of the underframe. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize in Schultheis et al., a decorative panel for covering an upper portion of an outer peripheral edge of the top plate; wherein the decorative panel has an inwardly bent portion that has been formed by bending an outer peripheral edge portion of the decorative panel inwardly toward a lower surface of the underframe to hold the outer peripheral edge of the underframe, as taught by Steiner et al., for the purpose of securing the top plate and the casing.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schultheis et al. (US Pat. 5,893,359) in view of Steiner et al. (US Pat. 6,207,934) and further view of Stedron et al. (US Pat. 6,175,102).

5. Schultheis/Steiner discloses substantially all features of the claimed invention as set forth above **except** at least a portion of the inwardly bent portion is sandwiched between the outer peripheral edge of the underframe and the upper surface of the kitchen counter such that part or all of a total weight of the main body is applied to the at least the portion of the inwardly bent portion that is sandwiched between the outer peripheral edge of the underframe and the upper surface of the kitchen counter.

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Stedron et al. discloses at least a portion of the inwardly bent portion 32 (Fig. 2) is sandwiched between the outer peripheral edge of the underframe 42 (Fig. 2) and the upper surface of the kitchen counter 10 (Fig. 1) such that part or all of a total weight of the main body is applied to the at least the portion of the inwardly bent portion (at 34 Fig. 2) that is sandwiched between the outer peripheral edge of the underframe and the upper surface of the kitchen counter 10 (Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize in

Schultheis/Steiner, at least a portion of the inwardly bent portion is sandwiched between the outer peripheral edge of the underframe and the upper surface of the kitchen counter such that part or all of a total weight of the main body is applied to the at least the portion of the inwardly bent portion that is sandwiched between the outer peripheral edge of the underframe and the upper surface of the kitchen counter, as taught by Stedron et al., for the purpose of securing the built-in cook top to the opening of the kitchen counter top.

6. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultheis et al. (US Pat. 5,893,359) in view of Steiner et al. (US Pat. 6,207,934) and further view of Shute (US Pat. 5,640,947).

7. Schultheis/Steiner discloses substantially all features of the claimed invention as set forth above including Schultheis an upper surface 4 (Fig. 1) on which the built-in cooking appliance 1 (Fig. 1) is placed and Steiner a lower surface of the inwardly bent portion 11 (Fig. 1) of the decorative panel 3 (Fig. 1) is held in contact with the upper surface **except** a stepped portion formed around the opening so as to be lower than the

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upper surface; wherein a predetermined clearance is provided between a lower surface of the underframe and the upper surface of the stepped portion. Shute discloses a stepped portion 100 (Fig. 2) formed around the opening so as to be lower than the upper surface 20 (Fig. 2); wherein a predetermined clearance is provided between a lower surface of the underframe and the upper surface of the stepped portion. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize in Schultheis/Steiner, a stepped portion formed around the opening so as to be lower than the upper surface; wherein a predetermined clearance is provided between a lower surface of the underframe and the upper surface of the stepped portion, as taught by Shute, for the purpose of mounting metal plate frame of the built-in cook top to the kitchen counter.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Taplan et al. (US Pat. 5,429,114) discloses a cooktop unit for mounting in a frame structure or a cutout.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG NGUYEN whose telephone number is (571)270-7828. The examiner can normally be reached on Monday-Friday, 9M-6PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on (571)272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUNG NGUYEN/
Examiner, Art Unit 3742
1/7/2010

/Quang T Van/
Primary Examiner, Art Unit 3742